

HOUSE BILL No. 1100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3-3.

Synopsis: Resisting law enforcement. Makes the offense of resisting law enforcement a Class D felony instead of a Class A misdemeanor if, while committing the offense, a person draws or uses a deadly weapon or inflicts bodily injury on another person. Makes the offense a Class C felony if: (1) a person uses a vehicle to flee from a law enforcement officer; or (2) while committing the offense, a person operates a vehicle in a manner that creates a substantial risk of bodily injury to another person or causes serious bodily injury to another person.

Effective: July 1, 2003.

Mahern

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1100

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A person who
3 knowingly or intentionally:

4 (1) forcibly resists, obstructs, or interferes with a law enforcement
5 officer or a person assisting the officer while the officer is
6 lawfully engaged in the execution of ~~his~~ **the law enforcement**
7 **officer's** duties as an officer;

8 (2) forcibly resists, obstructs, or interferes with the authorized
9 service or execution of a civil or criminal process or order of a
10 court; or

11 (3) flees from a law enforcement officer after the officer has, by
12 visible or audible means, identified himself **or herself** and
13 ordered the person to stop;
14 commits resisting law enforcement, a Class A misdemeanor, except as
15 provided in subsection (b).

16 (b) The offense under subsection (a) is a:

17 (1) Class D felony if,



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- 1 ~~(A) the offense is described in subsection (a)(3) and the person~~
 2 ~~uses a vehicle to commit the offense; or~~
 3 ~~(B) while committing any offense described in subsection (a),~~
 4 ~~the person draws or uses a deadly weapon or inflicts bodily~~
 5 ~~injury on another person; or operates a vehicle in a manner~~
 6 ~~that creates a substantial risk of bodily injury to another~~
 7 ~~person;~~
 8 (2) Class C felony if:
 9 **(A) the offense is described in subsection (a)(3) and the**
 10 **person uses a vehicle to commit the offense; or**
 11 **(B) while committing any offense described in subsection (a),**
 12 the person operates a vehicle in a manner that:
 13 **(i) creates a substantial risk of bodily injury to another**
 14 **person; or**
 15 **(ii) causes serious bodily injury to another person; and**
 16 (3) Class B felony if, while committing any offense described in
 17 subsection (a), the person operates a vehicle in a manner that
 18 causes the death of another person.
 19 (c) For purposes of this section, a law enforcement officer includes
 20 an alcoholic beverage enforcement officer and a conservation officer
 21 of the department of natural resources.
 22 SECTION 2. [EFFECTIVE JULY 1, 2003] **IC 35-44-3-3, as**
 23 **amended by this act, applies only to offenses committed after June**
 24 **30, 2003.**

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